

## **PROPOSED DEVELOPMENT CONDITIONS**

### **SEA 2011-MV-002**

**October 15, 2014**

If it is the intent of the Board of Supervisors to approve SEA 2011-MV-002, located at 8740 Talbott Farm Drive, Tax Map 110-1 ((27)) 11A, previously approved for a home child care facility of up to 10 children and proposing an increase to 12 children, pursuant to Sect. 6-105 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions. Those conditions carried forward from the previous approval are marked with an asterisk (\*) and may include revised language.

#### **General**

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land. \*
2. This Special Exception is granted only for the home child care facility use as indicated on the Special Exception Plat (SE Plat) approved with the application, as qualified by these development conditions. \*
3. Any plan or permit submitted pursuant to this Special Exception shall be in substantial conformance with the approved SE Plat, consisting of an annotated copy, dated May 1, 2014, of the House Location Survey entitled "Lot 11A Talbott Property" prepared by Ned A. Marshall and dated February 10, 2005, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance. \*
4. A copy of the approved Special Exception conditions shall be posted in a conspicuous place on the property and be made available to all Fairfax County departments during the hours of operation of the home child care facility.
5. The provider shall forward a copy of the approved development conditions to the president of the Talbott Farm Home Owners Association no later than 30 days from the applicant's receipt of the Special Exception approval letter from the Clerk to the Board of Supervisors. \*

#### **Home Child Care**

6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed 12, and the maximum daily enrollment shall not exceed 12. Notwithstanding this maximum, the applicant shall not increase the

number of children enrolled in the home child care facility beyond the maximum capacity permitted by license through the Virginia Department of Social Services.

7. Hours of operation for the home child care facility shall not exceed 7:00 AM to 6:00 PM.
8. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility. \*
9. Only the larger of the two downstairs play rooms associated with the home child care facility may be used as a sleeping area and shall have proper egress as defined by the Virginia Uniform Statewide Building Code.

### **Transportation**

10. All pick-up and drop-off of children, and all parking associated with the home child care facility, shall occur on-site in the driveway. \*
11. The applicant may supplement the on-site parking with off-site, common area parking spaces if available and permissible.
12. The garage shall not be converted to any use which would preclude the parking of vehicles, and shall be kept clear of debris at all times in order to accommodate parking for the dwelling and the home child care provider. At no time during the hours of operation of the home child care facility shall vehicles used by the residents be parked in the driveway. \*
13. The applicant shall stagger the arrival and departure times for children arriving by automobile. \*

### **Outdoor Play Area**

14. Any stationary outdoor playground equipment located in the rear yard shall be set back a minimum of six feet from the perimeter fence, the yard inlet, the deck, and the rear walkway that leads to the basement in accordance with 22 VAC 40-111-500 from the Standards for Licensed Family Day Homes with Interpretation Guidelines and approved by the Virginia Department of Social Services. Equipment that does not meet this locational condition shall be removed or relocated prior to the issuance of a Non-Residential Use Permit for the home child care facility. All outdoor play equipment must conform to all state regulations and standards related to outdoor play areas and equipment. \*
15. No more than five children enrolled in the home child care facility may occupy the rear yard at any one time. Any children occupying the rear yard must be supervised at all times. \*
16. The applicant shall eliminate access by children to the mouth of the rear yard stormwater inlet. Subject to the approval of the Department of Public Works and

Environmental Services' (DPWES) Maintenance and Stormwater Management Division (MSMD), the applicant shall provide a permanent barrier fence around the stormwater inlet or other remedy that does not impede the flow of water under any permanent barrier and does not cause water to pond upstream on neighboring properties. \*

17. The applicant shall consult with the Virginia Department of Social Services (DSS) to determine whether protective padding should be installed on the permanent barrier fence or other remedy described in Condition #16 in order to protect children from injury. The applicant shall implement the recommendation of the DSS inspection staff.

### **Food Preparation**

18. Upon approval of the Special Exception, the applicant shall discontinue the use of the food preparation area in the basement until applicable permits are granted. Within 30 days of the Board of Supervisors' approval of the Special Exception, the applicant shall submit permit applications to DPWES for all applicable permits required to bring the food preparation area into compliance with County regulations. These permits may include, but shall not be limited to, building, electrical, mechanical, and plumbing permits.
19. Within three months of the Board of Supervisors' approval of the Special Exception, the applicant shall obtain final inspections and approvals for all applicable permits associated with the food preparation area.
20. Upon demonstration by the applicant that, despite diligent efforts or due to factors beyond the applicant's control, the applicant will be or has been delayed in the completion of one or more of the obligations or improvements required by these conditions beyond the timeframes set forth in these conditions, the Zoning Administrator may agree to a later date for the fulfillment/completion of such obligations or improvements, provided the applicant otherwise is in substantial conformance with these conditions.
21. As an alternative to complying with Conditions 18 and 19, the applicant shall remove the stove associated with the food preparation area within six months of the Board of Supervisors' approval of the Special Exception, subject to the review and approval of an applicable permit by DPWES.
22. No increase in the maximum number of children on-site at any one time beyond 10 shall occur until DPWES has completed inspections and issued approvals for all applicable permits associated with the food preparation area.
23. The basement and food preparation area may not be used as a separate dwelling unit.

The above proposed conditions are staff recommendations and do not reflect the

position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, 30 months after the date of approval unless the use has been established as outlined above.